

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

HYDRO SYNTEC CHEMICALS, INC., a  
Colorado corporation,

Plaintiff,

v.

CHINOOK VENTURES, INC., a Nevada  
corporation; CHINOOK VENTURES, INC. dba  
CHINOOK VENTURES LV, a Nevada  
corporation; MILLENNIUM BULK  
TERMINALS LONGVIEW, LLC, a Delaware  
limited liability company; RITCHIE BROS  
AUCTIONEERS (AMERICA) INC., a  
Washington corporation,

Defendants.

NO. CV 11-05470 RBL

ORDER GRANTING PLAINTIFF'S  
MOTION TO AMEND

**THIS MATTER** is before the Court upon Plaintiff's Motion to Amend its Complaint and Join New Parties. [Dkt. #36]. Defendants oppose the Motion, arguing that the claims are baseless and/or premature, and that amendment would be futile.

Under Fed. R. Civ. P. 15, leave to amend shall be freely granted when justice so requires. *See Price v. Kramer*, 200 F.3d 1237, 1250 (9th Cir. 2000), cert. denied, 531 U.S. 816 (2000). The purpose of the rule is to encourage decisions on the merits rather than on the

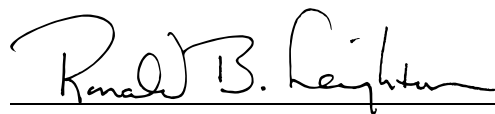
1 precision (or imprecision, as the case may be) of the pleadings. *See Lopez v. Smith*, 203 F.3d  
2 1122, 1127 (9th Cir. 2000).

3 In determining whether to grant leave to amend, district courts look to factors such as  
4 “undue delay, bad faith or dilatory motive on the part of the movant, repeated failure to cure  
5 deficiencies by amendments previously allowed, undue prejudice to the opposing party by  
6 virtue of the allowance of the amendment, futility of the amendment, etc.” *Foman v. Davis*  
7 371 U.S. 178, 182 (1962). Not all of these factors apply with equal force; “it is the  
8 consideration of prejudice to the opposing party that carries the greatest weight.” *Eminence*  
9 *Capital LLC v. Aspeon, Inc.*, 316 F.3d 1048, 1052 (9th Cir. 2003).

10  
11 Defendants have not persuaded the court that any of these factors is present, or that  
12 any deficiencies in the Plaintiff’s new claims should not be addressed on the merits. The  
13 Motion to Amend [Dkt. #36] is therefore GRANTED and Plaintiff shall file its Amended  
14 Complaint [Dkt. #37-1] within five days of the date of this Order.  
15

16 **IT IS SO ORDERED.**

17 Dated this 23<sup>rd</sup> day of January, 2012.

18  
19 

20 RONALD B. LEIGHTON  
21 UNITED STATES DISTRICT JUDGE  
22  
23  
24  
25  
26